



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

September 3, 2004

### Ordinance

**Proposed No.** 2004-0365.1

**Sponsors** Ferguson and Irons

1 AN ORDINANCE related to contracts; defining legally  
2 domiciled member of household; adding alternate  
3 requirement related to the provision of benefits by  
4 contractors; and amending Ordinance 14823, Section 3, and  
5 K.C.C. 12.19.020 and Ordinance 14823, Section 4, and  
6 K.C.C 12.19.030.

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9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Ordinance 14823, Section 3, and K.C.C. 12.19.020 are each hereby  
11 amended to read as follows:

12 **Definitions.** The definitions in this section apply throughout this chapter unless  
13 the context clearly requires otherwise.

14 A. "Contract" means an agreement to perform services or provide tangible  
15 personal property as defined in K.C.C. 4.16.010. that entails a legally binding obligation  
16 of twenty-five thousand dollars or more. "Contract" does not include the following: a

17 contract between a contract-awarding authority and a public entity; a contract for the  
18 purchase, lease or rent of real estate; or a collective bargaining agreement.

19 B. "Contract-awarding authority" means the county officer, department,  
20 commission, employee or board authorized to enter into or to administer contracts on  
21 behalf of the county.

22 C. "Domestic partner" means any person who is a domestic partner as defined in  
23 K.C.C. 3.12.010 and is registered with the employee's employer as the employee's  
24 domestic partner or, in the absence of such an employer-provided registry, is registered as  
25 a domestic partner with a governmental body in accordance with state or local law  
26 authorizing the registration. Any internal employer registry of domestic partnership must  
27 comply with the criteria for domestic partnerships specified by the executive by  
28 administrative rule.

29 D. "Employee benefits" means: the provision of bereavement leave; disability,  
30 life and other types of insurance; family medical leave; health benefits; membership  
31 discounts; moving expenses; pension and retirement benefits; travel benefits; and other  
32 benefits given to employees. However, "employee benefits" does not include benefits to  
33 the extent that the application of the requirements of this chapter to such benefits may be  
34 preempted by federal or state law.

35 E. "Legally domiciled member of household" means any person who:  
36 1.a. currently lives in the same primary residence as the employee;  
37 b. intends to continue living in the same primary residence as the employee;  
38 c. is jointly responsible with the employee for the basic living expenses of the  
39 household;

d. is eighteen years of age or older; and

e. is not married; or

2. Is an adult, dependent relative living in the same primary residence as the employee and is claimed as the employee's tax dependent.

SECTION 2. Ordinance 14823, Section 4, and K.C.C 12.19.030 are each hereby amended to read as follows:

**Nondiscrimination in benefits.**

A. A contractor who has contracted with the county shall not discriminate in the provision of employee benefits between an employee with a spouse and an employee with a domestic partner or an employee who resides with a legally domiciled member of household.

B. A contractor who has contracted with the county does not discriminate in the provision of employee benefits between employees with spouses and employees with domestic partners, so long as the contractor:

1. Provides the same employee benefits to employees' spouses and domestic partners; ~~((or))~~

2. Provides no employee benefits to employees' spouses and domestic partners; or

3. Provides the same employee benefits to employees' spouses and legally domiciled members of households.

C. The executive may waive the requirements of this chapter where any of the following applies:

- 62           1. The award of a contract or amendment to a contract is necessary in an  
63 emergency, as "emergency" is defined in K.C.C. 4.16.050;
- 64           2. The contract is for a proprietary purchase under K.C.C. 4.16.040;
- 65           3. There are no contractors capable of responding to the county's requirements  
66 that can comply with the provisions of this chapter;
- 67           4. The contractor, despite taking all reasonable measures to do so, demonstrates  
68 it is unable to extend a particular employee benefit to domestic partners;
- 69           5. The requirements of this chapter are inconsistent with a grant, subvention or  
70 agreement with a public agency; or
- 71           6. The county is purchasing through a cooperative or joint purchasing  
72 agreement.
- 73           D. A request for a waiver of the terms of this chapter must be made to the  
74 executive by the contract-awarding authority in a manner prescribed by the executive by  
75 administrative rule.
- 76           E. A contract-awarding authority shall not execute a contract with a contractor  
77 unless the contractor has agreed that the contractor will not discriminate in the provision  
78 of employee benefits as provided for in this chapter.
- 79           F. All contracts awarded by the county shall contain provisions prohibiting

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80 discrimination in the provision of employee benefits, including provisions containing  
81 appropriate remedies for the breach of the contracts as prescribed by K.C.C. 12.19.040.

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KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Phillips, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Ron Sims, County Executive

**Attachments**      None